App. F. IX-4

Previous References

193 .

(Legis)

File No. 19-39

Serial Nos. 13

Letter References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for December 1939.

SUBJECT.

Press Note on the Defence of India Ordinance and Rules.

WD 0418—GPB—22,500—29-8-36

BDS
10-5-1940

Press note on the Defence of India Ordinance & Rules.

General and Revenue Secretariat. | File No. of 19 . | [App. F. III-2

Serial No.

From

The Mysore Chamber of Commerce

No 421 d 27. 9. 39

suggesting that publicity may be given to the Defence of India Rules

A note on the salient points in the Defence of India Ordinance and the Rules thereunder is put up. It is in general terms and covers all the important provisions.

The provisions of Act XXV of 1939 amending the Defence of India Ordinance are also included as some important changes are made by it to the Newspapers Act and the Press and Registration of Books Act 1867, as applied to Mysore.

If approved, the note will be sent to the Publicity Office for publishing it and a Kannada version also (to be translated). The publications however will have to be after the Aircraft Act appears in the Gazette as an annexure to Act XXV of 1939. It is in the press and is likely to appear in the next issue of the Gazette.

Submitted for orders.

9.11.39

Publicity officer

11/11/39

send 4 copies to Govt. & another for translation.

Please ascertain the exact number required

11/11

Protection Branch

The Govt. may be requested to note the number of spare copies of the Convention (Engl. and Kan.) required for distribution in the Parts of the State.

Asst. Protection Officer

16/11/39.

NOTE Contn. Sheet

3157/P/39

File No. of 19 | General and Revenue Secretariat.

Serial No.

a) The Sir Cognizance Act & the Rules thereunder cannot appear in this circle Gazette as the Press has to arrange to get some blocks made and time cannot be made use of as part of the matter.

9) As regards spare copies 2000 copies each in Eng & Kannada may be obtained. The Press may be required to send 250 copies of each of them to the D.C.s of NS & the D.C.P & the balance got for the Secty.

Submitted for orders.

Room 15/11.

10) BKR 15.11.39

Law Secy)

33 41 15.11.39

11) It is not necessary to give a Summary of the enclosed draft.

G 15/11

BKR 15.11.39

12) This will be passed on to the P.O now

Room 16/11

12a) 45 BKR 16.11.39

The P.O)

5/6/pdf

(2nd) a) The Commissioner requires suitable alterations, and may be sent to the Protection Branch for needful

16/11

Room. Orders on

15) HR,

Serial No.

Submitted with reference to paras 11 to 14. Para 10 of the Communique may be deleted and the subsequent paras re-numbered. Submitted for orders.

BKR 17.11.38

17/11

Issued.

Two Dfts. forwarding Copies of the Communique to the D.C's of Districts and the I.G.P. are put up for kind approval.

TSR 22/11.

Issued Nos 931-40/P.O.

39.

If approved the file may be returned to the Protection Branch with available Spare Copies (400 in Eng. and 100 in Kan.)

TSR

Secs. Order book off

BKR 24.11.38

Copies have been sent by the Publicity Office to the Dcs. of Districts & the SP. If approved, 100 Copies each of Kannada & English Copies will be sent to the Mysore Chamber of Commerce and the rest sent to the Records.

Submitted with a letter to the Secretary, Chamber of Commerce

24.11.39

Issue

BKR 25.11.38

NOTE-Contn. Sheet.

3157
P

Press note on Defence of India Ordinance

File No. & Rules. of 19

General and Revenue Secretariat.

Serial No.

Memo. P 3547. d 25.11.39 to 16 Secretary

Chamber of Commerce with 200 Copies of Press Communique.

B

Please file my note
[illegible]

ಮೈಸೂರು ಮತ್ತು ಇಂಡಿಯಾ ರಕ್ಷಣಾ ರೆಗ್ಯುಲೇಷನ್

ಮೈಸೂರಿನಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇಂಡಿಯಾ ರಕ್ಷಣಾ ಮಸೂದೆಗಳ ಕಲಂಗಳ ವಿಷಯದಲ್ಲಿ ತಪ್ಪು ತಿಳುವಳಿಕೆಯಿರುವ ದೃಷ್ಟ್ಯಾ ಸಾರ್ವಜನಿಕರು, ವ್ಯಾಪಾರಿಗಳು, ಕೈಗಾರಿಕೆಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟವರು, ಮತ್ತು ಇತರರಿಗೆ ಅನ್ವಯಿಸುವ ಮುಖ್ಯ ಕಲಂಗಳ ವಿ[illegible] ವಾಗಿ ಜನರಲ್ಲಿ ಸರಿಯಾದ ತಿಳಿವಳಿಕೆ ಕ[illegible] ಸಲು ಸರಕಾರದವರು ಕಾರ್ಯಕ್ರಮ ಕೈಗ[illegible] ಕೈಬೇಕಾದುದು ಅತ್ಯಾವಶ್ಯಕವೆಂದು ಕಂ[illegible] ತ್ತದೆ. ಈ ಕೆಲಸವನ್ನು ಸರಕಾರದ ಪ್ರಚ[illegible] ಶಾಖೆಯವರು ಕೈಗೊಳ್ಳುವುದು ಈ ಧ್ಯೇ[illegible] ಸಾಧನೆಗೆ ಉತ್ತಮ ಮಾರ್ಗ. ಕನ್ನಡ ಮತ್ತು ಇಂಗ್ಲಿಷ್ ಭಾಷೆಗಳಲ್ಲಿ ಸಣ್ಣದಾಗಿದ್ದರೂ ಸ್ಪಷ್ಟವಾಗಿ ಅಂಶಗಳನ್ನು ತಿಳಿಸುವ ಪ್ರಕಟಣೆಗಳನ್ನು ಪ್ರಕಟಿಸಿ ಅವುಗಳನ್ನು ನಗರಗಳಲ್ಲಿಯೂ ಜಿಲ್ಲಾ ಮತ್ತು ತಾಲ್ಲೂಕು ಕಚೇರಿಗಳಿರುವ ಸ್ಥಳದಲ್ಲಿಯೂ ಹಂಚಬೇಕು. ಸ್ವಲ್ಪ ಕಾಲದಿಂದ ಮದ್ರಾಸ್ ಮತ್ತು ಬೊಂಬಾಯಿ ಸರಕಾರಗಳು ಈ ರೀತಿ ಮಾಡುತ್ತಿವೆ. ಸ್ವಲ್ಪ ಪ್ರಚಾರದ ಫಲವಾಗಿ ಇಂಡಿಯಾ ರಕ್ಷಣಾ ಕಾನೂನುಗಳ ವಿಷಯದಲ್ಲಿ ಜನರಲ್ಲಿರುವ ತಪ್ಪು ತಿಳಿವಳಿಕೆಯು ಬಹುಮಟ್ಟಿಗೆ ನಿವಾರಣವಾಗುವುದೆಂದು ಈ ಪ್ರಾಂತ ಸರಕಾರಗಳ ಅಭಿಪ್ರಾಯ. ಇಂಥಾ ಪ್ರಚಾರದ ಫಲವಾಗಿ ಜನರ ವಿವಿಧ ವರ್ಗಗಳಿಗೆ ಅನ್ವಯಿಸುವ ಕಲಂಗಳು ಅವರಿಗೆ ತಿಳಿಸಲೂ ಸಾಧ್ಯವಾಗುವುದು. ಇಂಥಾ ಪ್ರಚಾರ ಕಾರ್ಯದ ಆವಶ್ಯಕತೆಯು ಬಹಳ ಹೆಚ್ಚಾಗಿರುವುದರಿಂದ ಸರಕಾರದವರು ಈ ಸಲಹೆಯನ್ನು ಅಂಗೀಕರಿಸಿ ಸಾಧ್ಯವಾದಷ್ಟು ಬೇಗ ಕಾರ್ಯಕ್ರಮ ಕೈಗೊಳ್ಳುವರೆಂದು ನಂಬಿದ್ದೇವೆ.

The Deshabandhu: 25/9/1939.

The "Deshabandhu" suggests that the Government should give proper information to the public about the Defence of India Act, which has been extended to Mysore mutatis mutandis, as the public seem to be under mistaken impressions about it. The paper says that this work should be undertaken by the Publicity Department. Small publications giving improtant details about the Act should be printed in English and Kannada ~~should be printed~~ and distributed freely all over the State.

Kiran 26.9

CHIEF SECRETARY. 26. SEP. 19[illegible] GOVT. OF MYSORE.

Dewan) Minute in Kannada ok & submit.

1115/2879

26-9-39

Lawrence with Compts

1115/2879

Please put up a note on the salient provisions in easy understandable style.

26/9

C 5760

No. 421.

TELEPHOE No. 2226

THE MYSORE CHAMBER OF COMMERCE

MEMBER OF:
THE FEDERATION OF INDIAN CHAMBERS OF COMMERCE AND INDUSTRY, INDIA
THE FEDERATION OF CHAMBERS OF COMMERCE OF THE BRITISH EMPIRE, LONDON
THE INTERNATIONAL CHAMBER OF COMMERCE INDIAN NATIONAL COMMITTEE, PARIS
THE INDIAN CHAMBER OF COMMERCE IN GREAT BRITAIN, LONDON

Bangalore City, 27th Sept. *193* 9

From

The Secretary,
The Mysore Chamber of Commerce,
Bangalore City.

To

The Secretary to the Government
of His Highness the Maharaja of Mysore,
Law Department, Bangalore.

Sir,

Publicity to the Defence of India Rules.

I am desired to put before the Government the following few facts in regard the publication of the Defence of India Rules for their kind consideration and necessary action.

2. The Government were good enough to take immediate action under the Defence of India Rules in connection with the fixation of wholesale and retail prices of foodstuffs and other necessary commodities in the State. There is reason to believe that people in the interior parts of the State are not generally aware of the provisions of the Defence of India Rules as applied to Mysore and of the different instructions given from time to time, under the Rules and the Orders issued thereunder. The Government of Bombay and Madras, with a view to keep the general public informed in these matters are known to be giving special attention to publicity on comprehensive and intelligible lines.

3. I am, therefore, to request that Government will be pleased to give as much publicity as may be feasible, in

No. .....

TELEPHOE No. 2226

THE MYSORE CHAMBER OF COMMERCE

MEMBER OF:

THE FEDERATION OF INDIAN CHAMBERS OF COMMERCE AND INDUSTRY, INDIA

THE FEDERATION OF CHAMBERS OF COMMERCE OF THE BRITISH EMPIRE, LONDON

THE INTERNATIONAL CHAMBER OF COMMERCE INDIAN NATIONAL COMMITTEE, PARIS

THE INDIAN CHAMBER OF COMMERCE IN GREAT BRITAIN, LONDON

Bangalore City, 27th Sept. *193* 9

in Kannada and English of the Defence of India provisions and Rules issued thereunder in the manner indicated above so that all the people in the State may be enabled to know at little or no special effort the law governing their transactions and the extent to which they are bound by it and the liabilities incurred by those who disobey it. It is hoped that such literatures, if issued from the Government Publicity Department would greatly help to relieve the present tension and avoid misunderstandings among common folk especially in commercial circles. I am to request further that such publications may kindly be arranged to be freely distributed in all parts of the State, among the mercantile class in particular. Copies of the same, if made available to the Chamber, will be distributed among its members, both in the City and in Districts of the State.

I have the honour to be,

Sir,

Your most obedient servant,

K. Ramachandra Iyer

Secretary.

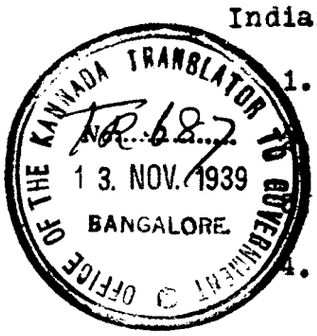
ARV.

OFFICE OF THE PUBLICITY OFFICER TO THE GOVERNMENT OF MYSORE,
PUBLIC OFFICES, BANGALORE.

Press Communique

With reference to a suggestion by the Mysore Chamber of Commerce and the local vernacular press, the following summary of the more important provisions of the Defence of India Ordinance as applied to Mysore is published for the information of the general public:—

of India Ordinance and the Rules made thereunder. This has been done by the Emergency Act No.XXIII of 1939. This Act has also put into force in Mysore the following British Indian Enactments:-



1. The Dramatic Performances Act,
2. Explosive Substances Act,
3. The Indian Official Secrets Act, and
4. The Indian Aircraft Act.

The first three Acts have been published as annexures to the main Act and the fourth Act has been published as an annexure to the Act XXV of 1939 which amends the main Act.

This Act applies to all subjects of the State wherever resident and to all other persons resident within the State. It provides for special measures to ensure the public Safety and interest and the defence of India and for the trial of certain offences.

It empowers the Government to frame rules for securing the defence of India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community.

Under the aforesaid power rules have been framed and are in force here.

The Act empowers the Government to constitute special tribunals for the whole or any part of the State to try any offence or any class of offences as the Government may direct. The procedure to be followed by such special tribunals is also given in the Act and to that extent supersedes the procedure prescribed by the Code of Criminal Procedure.

DEFENCE OF INDIA RULES

In exercise of the powers conferred by Act XXIII of 1939, the Government have applied to Mysore mutatis mutandis the defence of India rules of British India. The principal provisions of the Rules are the following:-

1. Access to certain premises and areas:- Some restrictions are imposed in regard to the free movement of persons in certain specified places or areas called prohibited places, protected places and protected areas. A prohibited place has been defined in the Official Secrets Act to include works of defence, arsenals, naval, military or airforce establishments, any place where munitions of war etc., are made or stored and any place declared to be a prohibited place. Protected places and protected areas are places and areas notified as such by the Government. The permission of Government is necessary for any person to enter, or be in, or pass over, or loiter in the vicinity of, any prohibited or protected place. No person not resident in a protected area can reside therein without a permit from competent authority. The punishment for contravention of any of the these provisions is liability to imprisonment for a term upto three years and also to fine.

Power is also given to Government to prohibit or restrict for specified periods the use of any road, pathway or waterway or the passage of persons, animals or vehicles over any land. The penalty for contravention of any orders of the Government in this behalf is imprisonment up to six months and also fine.

2. Control of signalling, telegraphy, postal communications etc.,-- Making any signals to any foreign vessel or aircraft or in any area notified by Government in this behalf, or to any person beyond Mysore, is prohibited except under permission of Government. The possession without the permission of the Government of, or control over, any apparatus or contrivance for signalling is also prohibited. Power is given to the Government to prohibit or regulate the use of any wireless telegraphy apparatus and to refuse or revoke

any licence for the same, notwithstanding the provisions of the Wireless Telegraphy Act, 1937.

Power is given to close public telephone call offices, cut off subscribers' telephone connections, listen in to all conversations, and to detain or paraphrase any telegraphic messages. The possession or use of any means of secret communication is prohibited. The interception or detention of postal articles or their examination or destruction where considered necessary is also provided for. Where non-postal correspondence is suspected to be conveyed by any person, power to search and examine any article which he may have is given.

3. Restrictions on movements and activities of persons:- Voluntarily entering enemy territory or boarding any enemy vessel or aircraft without the permission of Government is prohibited. Entering Mysore or leaving Mysore by any person or class of persons specified in an order of Government except as provided in such order is made punishable. Power is given to Government to restrict the movement of any person suspected of acting, or with a view to prevent him from acting, in a manner prejudicial to the efficient prosecution of war, to the defence of India or to public order. The restriction may take the form of detention or removal from Mysore in a specified manner, or the imposition of certain specified restri tions. Such a person may also be directed to allow himself to be photographed and to allow his finger impressions or specimens of his handwriting to be taken.

Change of name, subject to certain exceptions, on the part of British Subjects without giving notice to the Government and complying with their orders, is made punishable.

4. Restrictions on foreigners:- The imposition of restrictions on a foreigner such as detention, removal from Mysore in a specified manner or imposing certain restrictions

on his movement is provided for in this Part of the Rules. Certain officers are empowered to enter any vessel or aircraft in order to obtain information regarding foreigners who may be on board. The change of names by a foreigner is also prohibited.

5. Prevention of prejudicial acts and control of information:-

Causing damage to buildings, vehicles, railways, bridges, roads etc., with intent to impair their efficiency is made an offence. Similarly, interference with postal or telegraphic communications is made punishable.

Doing any prejudicial act, the possession, publication or communication of any prejudicial report or confidential information, the possession or exhibition of unauthorised cinematograph films containing such report or information are all made offences. Any play or drama containing any prejudicial report or likely to instigate the commission of any prejudicial act may be prohibited, whereupon sections 4 to 9 of the Dramatic Performances Act will apply. Power to control the possession of materials for photography or sketching in or near prohibited places, protected places or protected areas is given to Government. The terms "prejudicial report" "confidential information" "prejudicial act" have all been defined in Part VI of the Rules. The expression "Prejudicial act" means, among other things, any act intended or likely to impede, delay or restrict the supply or distribution of any essential commodity. Essential Commodity has been defined to mean food, water, fuel, light, power or any other thing essential for the existence of the community which is notified in this behalf by Government. Under this power ~~para~~, Government have notified drugs and chemicals, kerosene oil, petrol and piecegoods as essential commodity. A prejudicial act also includes any act ~~included~~ intended or likely to prejudice the efficient prosecution of war and the defence of ~~British~~ India or the

public safety or interest. Whoever does any prejudicial act is liable to imprisonment upto a period of 5 years and also to fine.

6. False representations etc.-- The doing of any act calculated falsely to suggest that a person is or is not acting in the service or on behalf of the Government, or calculated or likely to mislead any person in the discharge of his lawful duties in connection with the defence of India or the securing of the public safety are made offences punishable by imprisonment up to 5 years and also five. Forgery or improper use of official documents or documents referring or relating to them and the improper use of uniforms or dress resembling uniforms are also similarly punishable.

7. Preparations for defence:- For the purpose of meeting attacks, or of protecting persons and property, power is given to the Government to direct the evacuation of specified areas, to take possession of premises in order to accommodate the evacuated persons, to specify the action to be taken to protect person or property to control the display of lights or the making of noise and to pass curfew orders.

8. Control of arms and explosives:- The Government may prohibit or impose conditions on the carrying or possession of arms or explosive substances. The power to search places or persons suspected of containing or carrying such articles is given to certain specified officers. Places used for the manufacture or storing of explosives and other dangerous articles and of vehicles used for their transport can also be the subject of orders of Government where such orders are desirable in the interests of safety of person or property

9. Public safety and order:- Power to prohibit or restrict or impose conditions on the holding of public processions, meetings or assemblies, or upon the use or possession of motor vehivles, or upon exercise or drill of a military nature, or upon the use or display of unofficial uniforms are all

given in this Part.

10. Shipping and aircraft:- This Part of the Rules gives power to the Government to pass orders for regulating vessels or aircraft or for the control of lights, buoys etc., The control of trade by sea or air the requisition of vessels or aircraft and power to take up accommodation in them are some of the further provisions.

11. Essential supplies and work:- The Government may requisition any building or land and dispose of or use it as they consider necessary or expedient, provided the building or land is not used for religious purposes. Government may also make orders for regulating the production, storage distribution or use of articles of any description. They may control prices at which articles may be sold, and require persons carrying on any undertaking to keep and submit to specified authority, books, accounts or records. Under this power Government have notified that no person shall sell wholesale or retail certain specified foodstuffs and medical supplies at prices higher than those fixed by Government from time to time. The maximum prices have also been notified. Another order of the Government requires the maintenance of certain specified books and their production before certain officers when demanded. Penalty for contravention of any of these provisions will involve imprisonment upto a period of 3 years and also fine.

The transfer of any interest in a mine to a foreign controlled company or to a person other than a British Subject without the previous sanction of the Government is prohibited.

Power is given to the Government to requisition any moveable property that can be used for purposes of the war.

12. Transport:- Power to control lines of communication, or traffic at ports and aerodromes, or to remove goods from such places in order to avoid congestion, or to control road transport are some of the provisions in the Part.

13. Financial provisions:- The acquisition of foregin exchange, the transfer of money with a view to such acquisition and the purchase of securities from a person outside India are all prohibited. The Government are given power/to compulsorily acquire foreign exchange or foreign securities from persons owning them at prices to be fixed from time/to time.

The payment of compensation to any person in respect of his property removed, destroyed or requisitioned etc., under certain of these Rules is also provided for.

14. Control of trading with enemy:- Trading with the enemy is prohibited and it is provided that it shall not confer any rights or remedies on the parties to such transaction. The power to appoint controllers and inspectors and to supervise suspected business is also given in the Rules.

15. Control of enemy firms:- Entering into contracts with an enemy firm, acting for or on behalf of it etc., are prohibited and the Government are given power to declare that any transfer or property, moveable or immoveable, to or by an enemy firm shall be void. The appointment of Controllers of enemy firms/custodians of enemy property and their powers, and the supervision of suspected business are also provided for. The transfer of securities or negotiable instruments or actionable claims by or to an enemy firm will not be effective unless previously sanctioned by Government.

16. Miscellaneous provisions:- The Government are given power to obtain any information or article from any person in possession of the same through specified authority.

Obstruction or resistence to authorities exercising powers or performing duties under these Rules is made punishable.

17. Supplementary and procedural:- Attempts and abetments of or attempts to abet any contravention of the provisions of these rules carry the same punishment as the contravention itself. The power to issue search warrants, or to

arrest without warrant in certain cases, is given under these Rules.

By the Act XXV of 1939 amending the Defence of India Ordinance as applied to Mysore, certain changes have been made to the Mysore Newspapers Act, 1908 and the Press and Registration of Books Act, 1867 as applied to Mysore. As a result of these amendments,--

1. the making, selling, distribution, publication or public exhibition etc., of a newspaper or other printed work which offends against section 4(1) of the Newspapers Act is made punishable with imprisonment for a term up to six months and also with fine.

2. The circulation in Mysore of a newspaper or other printed work containing any confidential information or information likely to assist the enemy or any prejudicial report as defined in the Defence of India Rules as applied to Mysore is also prohibited.

3. Every Newspaper should contain the name of the editor printed on it.

4. The printer of a newspaper should deliver free of expense to such officer and at such place as may be notified two copies of each issue of the newspaper.

Publicity Officer to Government.

For favour of furnishing a translation
Kan. Translator to Govt.
W.C.)

Translation is herewith forwarded
16/11
Publicity Officer
W.C.)

HKR/3.

TELEPHONE: 2277 TELEGRAMS: "PUBLIC"

In reply please quote
No. 931 / PO.

Office of the Publicity Officer to the Government of Mysore, Public Offices. Bangalore.

Dated, 22nd November 1939
23 ra.

From

S. RANGA IYER, Esqr.,
Publicity Officer to the Government of Mysore,
Bangalore.

To

The Inspector-General of Police
in Mysore, Bangalore.

Sir,

Defence of India Ordinance as applied to Mysore

I am directed to send you 150 copies of each of the English and Kannada versions of a Press Communique on the above subject for reference and such distribution as you think best.

I have the honour to be,
Sir,
Your most obedient servant,

6/c.

Publicity Officer to Government.

TELEPHONE: 2277 TELEGRAMS: "PUBLIC"

In reply please quote
No. 932-340/40

Office of the Publicity Officer to the Government of Mysore,
Public Offices, Bangalore.

Dated, 22nd November 19 39
23 nd

From

S. RANGA IYER, Esqr.,
Publicity Officer to the Government of Mysore,
Bangalore.

To

The Deputy Commissioners of Districts (9)

Sir,

Defence of India Ordinance as applied to Mysore

I am directed to send you 150 copies of each of the English and Kannada versions of a Press Communique on the above subject for reference and distribution in the Interior parts of your District.

I have the honour to be,
Sir,
Your most obedient servant,

Publicity Officer to Government.

No. P. 123—39-40,
20*th November* 1939.

OFFICE OF THE PUBLICITY OFFICER TO THE GOVERNMENT OF MYSORE,

PUBLIC OFFICES, BANGALORE.

PRESS COMMUNIQUE.

THE DEFENCE OF INDIA ORDINANCE AS APPLIED TO MYSORE

With reference to a suggestion by the Mysore Chamber of Commerce and the local vernacular press, the following summary of the more important provisions of the Defence of India Ordinance as applied to Mysore is published for the information of the general public:—

As a result of the war between His Majesty the King Emperor and Germany, a situation has arisen which made it necessary to enforce in Mysore the provisions of the Defence of India Ordinance and the Rules made thereunder. This has been done by the emergency Act No. XXIII of 1939. This Act has also put into force in Mysore the following British Indian Enactments:—

1. The Dramatic Performances Act.
2. Explosive Substances Act.
3. The Indian Official Secrets Act.

The three Acts have been published as annexures to the main Act.

This Act applies to all subjects of the State wherever resident and to all other persons resident within the State. It provides for special measures to ensure the public safety and interest and the defence of India and for the trial of certain offences.

It empowers the Government to frame rules for securing the defence of India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community.

Under the aforesaid power, rules have been framed and are in force here.

The Act empowers the Government to constitute special tribunals for the whole or any part of the State to try any offence or any class of offences as the Government may direct. The procedure to be followed by such special tribunals is also given in the Act and to that extent supersedes the procedure prescribed by the Code of Criminal Procedure.

DEFENCE OF INDIA RULES

In exercise of the powers conferred by Act XXIII of 1939, the Government have applied to Mysore *mutatis mutandis* the Defence of India Rules of British India. The principal provisions of the Rules are the following.—

1. *Access to certain premises and areas.*—Some restrictions are imposed in regard to the free movement of persons in certain specified places or areas called prohibited places, protected places and protected areas. A prohibited place has been defined in the Official Secrets Act to include works of defence, arsenals, naval, military or airforce establishments, any place where munitions of war, etc., are made or stored and any place declared to be a prohibited place. Protected places and protected areas are places and areas notified as such by the Government. The permission of Government is necessary for any person to enter, or be in, or pass over, or loiter in the vicinity of, any prohibited or protected place. No person not resident in a protected area can reside therein without a permit from competent authority. The punishment for contravention of any of these provisions is liability to imprisonment for a term up to three years and also to fine.

Power is also given to Government to prohibit or restrict for specified periods the use of any road, pathway or waterway or the passage of persons, animals or vehicles over any land. The penalty for contravention of any orders of the Government in this behalf is imprisonment up to six months and also fine.

2. *Control of signalling, telegraphy, postal communications, etc.*—Making any signals to any foreign vessel or aircraft or in any area notified by Government in this behalf, or to any person beyond Mysore, is prohibited except under permission of Government. The possession without the permission of the Government of, or control over, any apparatus or

contrivance for signalling is also prohibited. Power is given to the Government to prohibit or regulate the use of any wireless telegraphy apparatus and to refuse or revoke any licence for the same, notwithstanding the provisions of the Wireless Telegraphy Act, 1937.

Power is given to close public telephone call offices, cut off subscribers' telephone connections, listen in to all conversations, and to detain or paraphrase any telegraphic messages. The possession or use of any means of secret communication is prohibited. The interception or detention of postal articles or their examination or destruction where considered necessary is also provided for. Where non-postal correspondence is suspected to be conveyed by any person, power to search and examine any article which he may have is given.

3. *Restrictions on movements and activities of persons.*—Voluntarily entering enemy territory or boarding any enemy vessel or aircraft without the permission of Government is prohibited. Entering Mysore or leaving Mysore by any person or class of persons specified in an order of Government except as provided in such order is made punishable. Power is given to Government to restrict the movement of any person suspected of acting, or with a view to prevent him from acting, in a manner prejudicial to the efficient prosecution of war, to the defence of India or to public order. The restriction may take the form of detention or removal from Mysore in a specified manner, or the imposition of certain specified restrictions. Such a person may also be directed to allow himself to be photographed and to allow his finger impressions or specimens of his handwriting to be taken.

Change of name, subject to certain exceptions, on the part of British Subjects without giving notice to the Government and complying with their orders, is made punishable.

4. *Restrictions on foreigners.*—The imposition of restrictions on a foreigner such as detention, removal from Mysore in a specified manner or imposing certain restrictions on his movement is provided for in this Part of the Rules. Certain officers are empowered to enter any vessel or aircraft in order to obtain information regarding foreigners who may be on board. The change of name by a foreigner is also prohibited.

5. *Prevention of prejudicial acts and control of information.*—Causing damage to buildings, vehicles, railways, bridges, roads, etc., with intent to impair their efficiency is made an offence. Similarly, interference with postal or telegraphic communications is made punishable.

Doing any prejudicial act, the possession, publication or communication of any prejudicial report or confidential information, the possession or exhibition of unauthorised cinematograph films containing such report or information are all made offences. Any play or drama containing any prejudicial report or likely to instigate the commission of any prejudicial act may be prohibited, whereupon Sections 4 to 9 of the Dramatic Performances Act will apply. Power to control the possession of materials for photography or sketching in or near prohibited places, protected places or protected areas is given to Government. The terms "prejudicial report", "confidential information" "prejudicial act" have all been defined in Part VI of the Rules. The expression "Prejudicial act" means, among other things, any act intended or likely to impede, delay or restrict the supply or distribution of any essential commodity. Essential commodity has been defined to mean food, water, fuel, light, power or any other thing essential for the existence of the community which is notified in this behalf by Government. Under this power, Government have notified drugs and chemicals, kerosene oil, petrol and piecegoods as essential commodity. A prejudicial act also includes any act intended or likely to prejudice the efficient prosecution of war and the defence of India or the public safety or interest. Whoever does any prejudicial act is liable to imprisonment up to a period of five years and also to fine.

6. *False representations, etc.*—The doing of any act calculated falsely to suggest that a person is or is not acting in the service or on behalf of the Government, or calculated or likely to mislead any person in the discharge of his lawful duties in connection with the defence of India or the securing of the public safety are made offences punishable by imprisonment up to five years and also fine. Forgery or improper use of official documents or documents referring or relating to them and the improper use of uniforms or dress resembling uniforms are also similarly punishable.

7. *Preparations for defence.*—For the purpose of meeting attacks, or of protecting persons and property, power is given to the Government to direct the evacuation of specified areas, to take possession of premises in order to accommodate the evacuated persons, to specify the action to be taken to protect person or property, to control the display of lights or the making of noise and to pass curfew orders.

8. *Control of arms and explosives.*—The Government may prohibit or impose conditions on the carrying or possession of arms or explosive substances. The power to search places or persons suspected of containing or carrying such articles is given to certain specified officers. Places used for the manufacture or storing of explosives and other dangerous articles and of vehicles used for their transport can also be the subject of orders of Government where such orders are desirable in the interests of safety of person or property.

9. *Public safety and order.*—Power to prohibit or restrict or impose conditions on the holding of public processions, meetings or assemblies, or upon the use or possession of motor vehicles, or upon exercise or drill of a military nature, or upon the use or display of unofficial uniforms are all given in this part.

10. *Essential supplies and work.*—The Government may requisition any building or land and dispose of or use it as they consider necessary or expedient, provided the building or land is not used for religious purposes. Government may also make orders for regulating the production, storage, distribution, or use of articles of any description. They may control prices at which articles may be sold, and require persons carrying on any undertaking to keep and submit to specified authority, books, accounts or records. Under this power, Government have notified that no person shall sell, wholesale or retail, certain specified foodstuffs and medical supplies at prices higher than those fixed by Government from time to time. The maximum prices have also been notified. Another order of the Government requires the maintenance of certain specified books and their production before certain officers when demanded. Penalty for contravention of any of these provisions will involve imprisonment up to a period of three years and also fine.

The transfer of any interest in a mine to a foreign controlled company or to a person other than a British Subject without the previous sanction of the Government is prohibited.

Power is given to the Government to requisition any moveable property that can be used for purposes of the war.

11. *Transport.*—Power to control lines of communication, or traffic at ports and aerodromes, or to remove goods from such places in order to avoid congestion, or to control road transport are some of the provisions in the Part.

12. *Financial provisions.*—The acquisition of foreign exchange, the transfer of money with a view to such acquisition and the purchase of securities from a person outside India are all prohibited. The Government are given power to compulsorily acquire foreign exchange or foreign securities from persons owning them at prices to be fixed from time to time.

The payment of compensation to any person in respect of his property removed, destroyed or requisitioned, etc., under certain of these Rules is also provided for.

13. *Control of trading with enemy.*—Trading with the enemy is prohibited and it is provided that it shall not confer any rights or remedies on the parties to such transaction. The power to appoint controllers and inspectors and to supervise suspected business is also given in the Rules.

14. *Control of enemy firms.*—Entering into contracts with an enemy firm, acting for or on behalf of it, etc., are prohibited and the Government are given power to declare that any transfer of property, moveable or immoveable, to or by an enemy firm shall be void. The appointment of controllers of enemy firms, and custodians of enemy property and their powers, and the supervision of suspected business are also provided for. The transfer of securities or negotiable instruments or actionable claims by or to an enemy firm will not be effective unless previously sanctioned by Government.

15. *Miscellaneous provisions.*—The Government are given power to obtain any information or article from any person in possession of the same through specified authority.

Obstruction or resistence to authorities exercising powers to performing duties under these Rules is made punishable.

16. *Supplementary and procedural.*—Attempts and abetments of or attempts to abet any contravention of the provisions of these rules carry the same punishment as the contravention itself. The power to issue search warrants, or to arrest without warrant in certain cases, is given under these Rules.

By Act XXV of 1939 amending the Defence of India Ordinance as applied to Mysore, certain changes have been made to the Mysore Newspapers Act, 1908 and the Press and Registration of Books Act, 1867, as applied to Mysore. As a result of these amendments—

1. The making, selling, distribution, publication or public exhibition, etc., of a newspaper or other printed work which offends against Section 4(1) of the Newspapers Act is made punishable with imprisonment for a term up to six months and also with fine.

2. The circulation in Mysore of a newspaper or other printed work containing any confidential information or information likely to assist the enemy or any prejudicial report as defined in the Defence of India Rules as applied to Mysore is also prohibited.

3. Every newspaper should contain the name of the editor printed on it.

4. The printer of a newspaper should deliver free of expense to such officer and at such place as may be notified two copies of each issue of the newspaper.

S. RANGA IYER,
Publicity Officer to Government.

WD 2846—GPB—2,100—21-11-39.

P 3547 | Enc. 200 copies of Press Communique

25th November 1939.

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Law Department.

The Secretary,
The Mysore Chamber of Commerce,
Kempe Gowda Road, Bangalore City.

Sir,

Publicity to the Defence of India Rules.

With reference to your letter No 421 dated the 27th September 1939 on the above subject suggesting that as much publicity as feasible may be given to the provisions of the Defence of India Ordinance and Rules and agreeing to distribute copies of the publication among the Chamber's members in the City and Districts, I am directed to forward herewith 100 copies each of English and Kannada versions of a Press Communique on the above subject for distribution.

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Law Department.